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11 Attorneys for Defendant ALEXANDER SMIRNOV

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 * * * * *

15 UNITED STATES OF AMERICA,)	CASE NO. 2:24-CR-00091-ODW
)	
16 Plaintiff,)	DEFENDANT'S MOTION FOR
)	LEAVE TO FILE UNREDACTED
)	SENTENCING MEMORANDUM
)	IN MITIGATION OF
)	PUNISHMENT AND EXHIBITS 1-
17 v.)	<u>2 UNDER SEAL</u>
)	
18 ALEXANDER SMIRNOV,)	
)	Honorable Otis D. Wright II
19 Defendant,)	January 8, 2025 at 10:30 a.m.
)	
20 _____)	

21 Comes Now, Defendant Alexander Smirnov, by and through his counsel of
22 record, David Z. Chesnoff, Esq., and Richard A. Schonfeld, Esq., of the law firm of
23 Chesnoff & Schonfeld, and hereby submits this Motion for Leave to File his

1 Unredacted Sentencing Memorandum in Mitigation of Punishment and Exhibits 1-

2 **2 UNDER SEAL.**

3
4 This Motion is made and based upon the papers and pleadings on file herein,
5 the attached Declaration, and any argument that is heard or testimony that is
6 adduced.
7

8 Dated this 24th day of December, 2024.

9 Respectfully Submitted:

10 CHESNOFF & SCHONFELD

11
12 /s/ David Z. Chesnoff

13 DAVID Z. CHESNOFF, ESQ.

14 *Pro Hac Vice*

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22 Attorneys for Defendant

23 ALEXANDER SMIRNOV
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1 **I. INTRODUCTION**

2 Mr. Smirnov respectfully seeks leave for an Order to file his Unredacted
3 Sentencing Memorandum in Mitigation of Punishment and Exhibits 1-2 UNDER
4 SEAL. Specifically, said Memorandum and Exhibits contain confidential
5 information which is covered under the protective order in this case. *See* ECF 59.
6
7

8 It is respectfully submitted that the information contained in said
9 Memorandum and Exhibits are relevant to Mr. Smirnov's upcoming Sentencing
10 hearing, and the materials should be permitted to be filed under seal for this
11 Honorable Court's consideration.
12

13 **II. ARGUMENT**

14 A party seeking to file a confidential document under seal must file a motion
15 to seal and must comply with the Ninth Circuit's directives in *Kamakana v. City*
16 *and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).
17

18 Here, it is respectfully submitted that there are compelling reasons and good
19 cause for the referenced documents to be filed under seal, as the documents contain
20 confidential information which is covered under the protective order in this case.
21 *See* ECF 59. It is respectfully submitted that the unredacted items identified above
22 should be filed under seal.
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1 **III. CONCLUSION**

2 In conclusion, Mr. Smirnov hereby moves this Honorable Court for an Order
3
4 to file his Unredacted Sentencing Memorandum in Mitigation of Punishment and
5 Exhibits 1-2 UNDER SEAL.

6
7 DATED: December 24, 2024

8 CHESNOFF AND SCHONFELD

9 /s/ David Z. Chesnoff

10 _____
11 DAVID Z. CHESNOFF
12 RICHARD A. SCHONFELD
13 Attorneys for Defendant
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DECLARATION OF DAVID Z. CHESNOFF, ESQ.

I, DAVID Z. CHESNOFF, declare as follows:

1. I am a partner at the law firm of CHESNOFF & SCHONFELD and am retained as co-counsel to represent Defendant Alexander Smirnov in the instant matter, and I am familiar with the facts and circumstances of this case;

2. Defendant Alexander Smirnov respectfully moves this Honorable Court for permission to file his unredacted Sentencing Memorandum in Mitigation of Punishment and Exhibits 1-2 **UNDER SEAL**. Specifically, said Memorandum and Exhibits contain confidential information which is covered under the protective order in this case. *See* ECF 59. It is respectfully submitted that this information is relevant to Mr. Smirnov's upcoming Sentencing hearing, and the materials should be permitted to be filed under seal for this Honorable Court's consideration;

3. It is respectfully submitted that there are compelling reasons and good cause for the referenced documents to be filed under seal, as the documents contain confidential information covered under the protective order in this case. It is respectfully submitted that the unredacted memorandum and Exhibits 1-2, be filed under seal;

4. My office is providing notice to counsel for the government of this filing and the unredacted Sentencing Memorandum in Mitigation of Punishment and Exhibits 1-2 via email.

1 5. The facts and circumstances set forth in the foregoing Motion are true
2 and correct to the best of my knowledge and belief.
3

4 I declare under penalty of perjury that the foregoing is true and correct.

5 EXECUTED this 24th day of December, 2024.

6 /s/ David Z. Chesnoff
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8 _____
9 DAVID Z, CHESNOFF, ESQ.
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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of December, 2024, I caused the forgoing document to be filed electronically with the Clerk of the Court through the CM/ECF system for filing; and served on counsel of record via the Court's CM/ECF system.

/s/ Camie Linnell

Employee of Chesnoff & Schonfeld